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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 10/027,647 | 12/21/2001 | Lucio Pieroni | AA511 | 1490 |
| 27752 | 7590 | 01/21/2004 | | |
| THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224 | | | EXAMINER SPISICH, MARK | |
| | | | ART UNIT 1744 | PAPER NUMBER |

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,647

Applicant(s)

PIERONI ET AL.

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8/03:3/02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

As this application claims benefit of prior provisional application serial no 60/257,841, page 1 of the specification must be amended to include a reference thereto.

Information Disclosure Statement

There were two information disclosure statement in the file of the present application. One of them (filed 1 August 2003) was indicated as being intended for another application (10/027,754); however, the same document can be found in the other application as well. The serial number at the top of the "1449" has been changed by the examiner and has been placed in the file of the present application. Applicant should also note that eight documents listed as US patents are in fact PCT publications instead. These citations have been lined through and transferred to the foreign patent section.

Specification

1. The disclosure is objected to because of the following informalities: "58" (page 11, line 5) should instead be -- 42 --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As the "scrubbing surface" is not recited until

line10 of claim 7, the reference thereto in line 9 lacks antecedent. It is also noted that the period after "surface" (claim 7, line 9) should be deleted. Applicant should review the claims for any additional informalities.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (USP 3,629,893). The patent to Brown discloses a scrubbing surface (32) which may be removable joined to a hand-held scrubbing device and which "can contain cleaning solution, paste or the like" (column 2, lines 4-5).

5. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gacuzana (USP 4,282,623). The patent to Gacuzana discloses a scrubbing surface (14) which may be readily attached to an removed from a hand-held scrubbing device (see column 4, lines 61-66) and further wherein the scrubbing surface/pad may be soap impregnated (column 2, lines 6-7). The reference in claim 10 to the motor does not define over the prior art in that claims 9 and 10 are drawn only to the subcombination of the pad.

6. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Price (USP 3,026,552). The patent to Price discloses a scrubbing surface/pad (34) which includes a detergent (column 2, lines 44-71).

7. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Strominski (USP 3,128,489). The patent to Strominski discloses scrubbing surface/pad (60) containing "a suitable scrubbing powder or other type of detergent" (column 3, lines 11-12) and which is adapted to be removable joined to a hand-held scrubbing device.
8. Claims 1 and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Benkovsky (USP 4,381,574). The patent to Benkovsky discloses a scrubbing device comprising casing housing a motor (20) and batteries (22) and an exterior area including a driven (by the motor) scrubbing surface (15) impregnated with a cleaning liquid (column 2, lines 36-38).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over deBlois et al (USP 5,978,999) in view of Strominski (USP 3,128,489). The patent to deBlois discloses a hand-held scrubbing device (10) comprising a casing housing a motor (18) and a battery (16) and an exterior area comprising a scrubbing surface/pad (114; also column 46-52) removable joined to the motor. The patent to deBlois discloses the invention substantially as claimed with the exception of the pad including a cleaning composition. The patent to Strominski teaches that such domestic cleaning pads (60) may include a detergent (column 3, lines 11-12). It would have been obvious

to one of ordinary skill to have modified the pad of deBlois as such so that another source of cleaning solution would not be needed.

11. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Root et al (USP 5,870,790) in view of Strominski (USP 3,128,489). The patent to Root discloses a hand-held scrubbing device comprising a casing housing a rechargeable battery (6) and a motor (4) as well as an "exterior area" including various types of scrubbing surfaces removably joined thereto. The patent to Strominski discloses the use of a scrubbing pad (60) which is removably secured to a powered cleaning device and which is impregnated with a detergent. It would have been obvious to one of ordinary skill to have provided such a cleaning surface to Root (1) because Root clearly teaches that various different cleaning members can be used and (2) so that an external source of soap is not required. The patent to Root discloses a charging coil (126) and such mechanisms are conventionally used in conjunction with a charging stand (claim 2). Root also discloses the recited "pivoting portion" (claim 3) (see figs 18 and 19).

12. Claims 1 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henriquez et al (USP 5,649,334) in view of Brown (USP 3,629,893). The patent to Henriquez discloses casing which houses a motor assembly (54,58) and batteries (41) and wherein a scrubbing surface (43,45) which may be either a brush or a sponge is removably secured to the motor. The device is disclosed as being used in a wet environment and one of ordinary skill would deem it obvious to make it "waterproof". The patent to Henriquez discloses the invention substantially as claimed with the

exception of the scrubber having a detergent therein. The patent to Brown teaches that it is well known to impregnate a cleaning sponge (32) with a detergent (column 2, lines 3-5). It would have been obvious to one of ordinary skill to have modified the device of Henriquez as such to provide additional detergent to the work surface or in case the detergent reservoir in the casing was empty. The patent to Henriquez further discloses the faucet connection (18) and rinsing orifice (the valve 55 can be set to only provide for a jet of water).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mettei and Walton are pertinent to a faucet connection and the others to diverse-utility cleaning devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



MARK SPISICH
PRIMARY EXAMINER
GROUP 3400

